



U.S. Department of Justice

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By ECF

Hon. Susan D. Wigenton
United States District Judge
King Fed. Bldg. & United States Courthouse
50 Walnut Street, P.O. Box 999
Newark, New Jersey 07101

Re: United States v. Hull, et al. No. 09-1303 (SDW) (LDW)

Dear Judge Wigenton:

Please accept this letter in lieu of a more formal brief. The United States respectfully renews its motion for an Order requiring Defendants Matthew Hull, Michele Hull, and Aaron Hull (“Defendants”) to show cause why Defendants should not be held in civil contempt.

As set forth in detail in the United States’ previous motion for an Order to Show Cause, ECF No. 119, Defendants have failed to comply with the Court’s November 30, 2017 Order (“November 2017 Order”), which ordered Defendants to take the final administrative steps required by the parties’ on-the-record settlement agreement. ECF No. 118. Defendants failed to comply with the November 2017 Order.

After Defendants failed to comply, this Office made several attempts to communicate with Defendants’ counsel about whether Defendants intended to comply (albeit late) with Court’s November 2017 Order. *See* ECF No. 119-2 (Declaration of Michael E. Campion, dated February 15, 2018). Defendants’ counsel provided no response.

The United States, therefore, was compelled to seek the Court's assistance. On March 1, 2018, the Court heard arguments from the parties on the United States' motion for an Order to Show Cause. After Defendants' counsel raised arguments in an attempt to relitigate the underlying merits of the previously-litigated – and settled – civil action, the Court made clear that its previous rulings must be followed:

THE COURT: [Defendants] can't relitigate it. And that was . . . what we addressed back in November. So I'm not sure why we're here now in March –

MR. ROBBINS: Because –

THE COURT: -- still talking about it. Honestly, I don't know why we're still talking about it. Because I think I've been clear in several opinions now exactly what is supposed to happen.

ECF No. 125 at 10-11.

Nonetheless, despite the Court's clear rulings, Defendants' counsel stated he sought input from an expert witness on the subject matter underlying the the Court's previous rulings. In response, the Court informed Defendants' counsel that, at this juncture in this civil action, the expert's opinion "is irrelevant for my purposes." *Id.* at 11.

After Defendants' counsel argued that Defendants' failure to comply within the timeframe set forth in the Order was not contemptuous, the Court found otherwise:

THE COURT: Well, no, it is contemptuous. No, no. It is contemptuous because there was an Order that was issued November 30th that said there were 30 days. So to the extent that could not be fulfilled, there should have been communication with your adversary. . . . We should not be here wasting the Court's time and everybody else's time addressing something that has already been addressed.

Id. at 13.

The Court then provided Defendants one final chance to comply with the Court's November 2017 Order:

THE COURT: And it's as simple as this: I'll give you another 30 days.

MR. ROBBINS: That's fair.

THE COURT: Does that sound reasonable?

MR. ROBBINS: That's very reasonable.

Id. at 13-14. Because the Court provided Defendants another 30 days to comply with the Court's November 2017 Order, it denied the United States' motion for an Order to Show Cause *without prejudice* and stated that the United States may renew the motion should Defendants fail to comply. ECF No. 124.

Despite the extension of time given to Defendants to comply with the November 2017 Order, Defendants failed to comply.¹ Defendants cannot flout the rule of law and this Court's Orders. Therefore, the United States respectfully renews its motion for an order requiring Defendants to show cause as to why Defendants should not be held in civil contempt of court for failing to comply with the Court's November 2017 Order.

CRAIG CARPENITO
United States Attorney

By: /s Michael E. Campion
MICHAEL E. CAMPION
Assistant United States Attorney

cc: Spencer B. Robbins, Esq. (by ECF)

¹ Although this Office reached out to Defendants' counsel to discuss the matter, Defendants did not respond.